

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELLA BROWN,

Civil Action File No.

Plaintiff,

v.

WALMART, INC.
AND JOHN DOES 1-3,

Defendants.

NOTICE OF REMOVAL

COMES NOW WALMART INC., named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WALMART INC. in the State Court of DeKalb County, Georgia, which is within the Atlanta Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 21A05364. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about April 1, 2021. Defendant WALMART INC. received a copy of the Complaint on November 24, 2021. Defendant WALMART INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant WALMART INC. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant WALMART INC. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for WALMART INC. is 708 SW 8th Street, Bentonville, AR 72716.

4.

Plaintiff Ella Brown is a citizen of the State of Georgia.

5.

The citizenship of the fictitious John Does 1-3 is disregarded for purposes of determining jurisdiction. 28 U.S.C. § 1441(a).

6.

Complete diversity of citizenship exists between Plaintiff and Defendant.

7.

Plaintiff claims bodily injuries, pain and suffering, mental anguish, diminished quality of life, past medical expenses in excess of \$72,372.47, and future medical expenses (see Complaint paragraphs 18, 19, 27, 28, 28, 29, 38, 39 and ad damnum). The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of DeKalb County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of DeKalb County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WALMART INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb
Nicholas E. Deeb
Georgia Bar No. 117025
Attorneys for Defendant
WALMART INC.

3445 Peachtree Road, N.E.
Suite 500
Atlanta GA 30326
(404) 266-9171
(404) 365-4535
(404) 364-3138 (fax)
ndeeb@mmatllaw.com

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Nicholas E. Deeb
Nicholas E. Deeb

CERTIFICATE OF SERVICE

This is to certify that on December 10, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Nicholas E. Deeb
Nicholas E. Deeb
Georgia Bar No. 117025
Attorneys for Defendant
WALMART INC.

3445 Peachtree Road, N.E.
Suite 500
Atlanta GA 30326
(404) 365-4535
(404) 364-3138 (fax)
ndeeb@mmatllaw.com